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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,465	02/11/2004	Eric Linn	022038-000300US	2236
	7590 04/20/200 AND TOWNSEND AN	EXAMINER		
	CADERO CENTER	PAYER, HWEI SIU CHOU		
EIGHTH FLOO SAN FRANCIS	SCO, CA 94111-3834		ART UNIT	PAPER NUMBER
			3724	
SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - IN Dependent of treply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). - Status 1) Responsive to communication(s) filed on 05 February 2007. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1.4.6-8.11.12.14-22 and 24 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 1.9-21 and 24 is/are allowed. 6) Claim(s) 1.6-8.11.12.14-18 and 22 is/are rejected. 7) Claim(s) 4 is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 20 January 2006 is/are: a) accepted or b) Dijected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).		Application No.	Applicant(s)				
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The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Eatherstory of imem rays a waiting the provides and the provides of 30° CR1 1368, in no event, however, may a lepty be timely field. **EARCH to the provide the provides of 30° CR1 1368, in no event, however, may a lepty be timely field. **If NO period for regly is specified above, the maximum statutory period will apply and will expire \$1X, (b) MONTHS from the mailing date of this communication. Failurs to region yill will be stated, as the provided to be been ABANDODEO (30 U.S. €, 193). **Failurs to region will be stated above, the maximum statutory period will apply and will expire \$1X, (b) MONTHS from the mailing date of this communication. even if timely field, may reduce any searched patent from adjustments. Set 70° Rt 174(9). **Status** **Status** **Status** **Status** **Status** **Claim (s) \$1.4.6.8.11.12.14-22 and 24 is/are pending in the application. **4) Claim(s) \$1.4.6.8.11.12.14-22 and 24 is/are pending in the application. **4) Claim(s) \$1.4.6.8.11.12.14-22 and 24 is/are pending in the application. **4) Claim(s) \$1.6.8.11.12.14-18 and 22 is/are rejected. **7) Claim(s) \$1.6.8.11.12.14-18 and 2	Office Action Summary	Examiner	Art Unit				
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Detailed Action

The amendment filed on 2-5-2007 has been entered.

Claims Rejection - 35 U.S.C. 102(b)/(e)

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 2. Claims 1, 6-8, 11, 17, 18 and 22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Pardue (U.S. Patent No. 5,822,866).

Pardue discloses (see Figs.1-10) a folding knife (20) comprising a handle/housing (22), a blade (24), a locking mechanism (80), a protrusion (100), a recess (110/112), a male portion (66), a blade female portion (72), a tab (98), a pivot pin (84), a tang (34), and a blade sharpened edge (78) as claimed.

3. Claims 11, 12 and 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Glesser (U.S. Patent Application Publication No. 2004/0045170).

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Glesser discloses a folding knife comprising a housing (4), a blade (6), a locking

mechanism (24,32), a protrusion (36), a tab (i.e. the distal portion of the locking lever 32

located near the handle notch 38), a male portion (26), a blade female portion (40), a

pivot pin (30), a blade tang (16), and a blade edge (14) as claimed.

Indication of Allowable Subject Matter

1. Claim 4 is objected to as being dependent upon a rejected base claim, but would

be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims.

2. Claims 19-21 and 24 are allowed.

Remarks

Applicants' arguments filed 2-5-2007 have been fully considered but they are not

persuasive.

Applicants argue, at page 10 of the amendment, the present invention requires a

pivotally held locking mechanism connected to the handle to lock the blade in a closed

position. Applicants further argue although the locking lever (80) of the Pardue

invention is pivotally held, it does not lock the blade in the close position, and only the

latch release button (54) actually locks and unlocks the blade, the locking lever (80)

pivotally engages and disengages the latch release button (54) not the blade. In

response, the claimed invention merely requires a locking mechanism connected to the

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handle to lock the blade in a closed position. Clearly, Pardue's locking mechanism (80)

is indeed connected to the handle (22, see Figs.4 and 6) as claimed. Further, the

locking mechanism (80) prevents the blades (24) from being released by the latch

mechanism either from the fully extended position shown in Figs.1 and 2, or from the

closed position shown in Fig.3. The locking mechanism (80) is acting in a way indirectly

to lock the blade in a closed position. The locking mechanism (80) is therefore broadly

interpreted as "for locking the blade in a closed position" as claimed.

Point of Contact

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hwei-Siu C. Payer whose telephone number is 571-272-

4511. The examiner can normally be reached on Monday through Friday, 7:00 am to

4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone numbers for

the organization where this application or proceeding is assigned are 571-273-8300 for

official communications and 571-273-4511 for proposed amendments.

H Payer April 18, 2007 Hivai-Siu Peyer Primary Exeminer

18 x2 Payer

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